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IN THE

Supreme Court of the United States.

OCTOBER TERM, 1901.

LONE WOLF, PRINCIPAL CHIEF OF KIOWAS, *et al.*, *Appellants,* v. ETHAN A. HITCHCOCK, SECRETARY OF THE INTERIOR, *et al.*	*No.* 601. *In Equity.*

MOTION TO ADVANCE.

Come the said appellants and move this honorable court to advance this cause upon the docket, and hear it at as early a day during the present term as the convenience of the court will permit, and for the reasons therefor, they state:

First. Because the case involves the constitutionality of the act of Congress of June 6, 1900, which purported to ratify an agreement with the Kiowa, Comanche, and Apache Indians, in Oklahoma, and to purchase and open to settlement about two million acres of their surplus lands. The Indians deny that they agreed to sell, or that they did sell their lands to the United States, and

pray an injunction to restrain appellees from carrying out the provisions of the said act, and other acts relating thereto, which provide for opening the lands to settlement and for town-sites, appropriation to pay for same, and individual allotments.

Second. Because the court below has denied an injunction *pendente lite*, and that the appellees are proceeding to carry the act of Congress into force, regardless of the pendency of this cause on appeal; and unless this cause is advanced and decided at an early date the acts which appellants seek to restrain may all have been performed, and they will suffer irreparable injury by reason of the delay in the final hearing and determination of the cause, notwithstanding the fact that this court may finally hold that they have been unjustly and unlawfully deprived of their lands.

Third. Because the interests involved in this case are of a general public nature, affecting the peace, order, and contentment of the Indian tribes, whose relations to the Government are seriously disturbed by the result reached by the court below, and it is, therefore, a case in which the United States are concerned.

Fourth. Because the action contemplated by the Secretary of the Interior, the Commissioner of Indian Affairs, and the Commissioner of the General Land Office, will destroy conditions which have existed since 1868.

Fifth. Because doubt as to the right to act will embarrass the action of the Interior Department and lead either to intolerable uncertainty or to the hasty performance of acts, which, if done, will result in irremediable wrong and damage.

Sixth. Because it is uncertain what complications might arise during the period elapsing before the case could be heard in regular course; it being possible that serious

outbreaks might occur, involving property, or even the loss of life or limb.

Seventh. Because the remedy sought is by injunction and irremediable injuries are threatened.

Respectfully submitted.

WILLIAM M. SPRINGER,
HAMPTON L. CARSON,
Solicitors for Appellants.

Service of notice of the foregoing motion to advance is hereby acknowledged this 22d day of March, 1902.

J. K. RICHARDS,
Solicitor General.